

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CT-3087-BO

CODY WAYNE FOY,

Plaintiff,

v.

SGT. RIVERA, SGT. JONES, and
SGT. SIMPSON,


Defendants.

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ORDER

Plaintiff, a pretrial detainee, filed this civil rights action *pro se* pursuant to 42 U.S.C. § 1983. The matter comes before the court for frivolity review pursuant to 28 U.S.C. § 1915. Section 1915 provides that courts shall review complaints in which prisoners seek relief from a governmental entity or officer, and dismiss such complaints when they are “frivolous.” 28 U.S.C. § 1915(e)(2)(B). It does not clearly appear from the face of the complaint that plaintiff is not entitled to relief, thus the matter is ALLOWED to proceed. The court DIRECTS the United States Marshals Service to make service pursuant to 28 U.S.C. § 1915(d). To the extent plaintiff moves to compel discovery (DE 8), his motion (DE 8) is DENIED as PREMATURE because the court has not yet issued a scheduling order.

SO ORDERED, this the 3 day of October, 2019.


TERRENCE W. BOYLE
Chief United States District Judge